

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

MARTRICE ANTON MITCHELL,

Defendant-Appellant.

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UNPUBLISHED

May 24, 2005

No. 252029

Eaton Circuit Court

LC No. 99-020036-FH

Before: Bandstra, P.J., and Fitzgerald and Meter, JJ.

MEMORANDUM.

Defendant appeals as of right his jury convictions for possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv), possession of marijuana, MCL 333.7403(2)(d), carrying a concealed weapon, MCL 750.227, and possession of a firearm during the commission of a felony, MCL 750.227b. This appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

Defendant first argues that the trial court erred in denying his motion to suppress evidence seized from the trunk of his car, because he did not consent to the search. “We review for clear error a trial court’s findings of fact regarding a motion to suppress evidence.” *People v Williams*, 240 Mich App 316, 319; 614 NW2d 647 (2000). “A finding is clearly erroneous if, after reviewing the entire record, an appellate court is left with a definite and firm conviction that a mistake has been made.” *People v Galloway*, 259 Mich App 634, 638; 675 NW2d 883 (2003). “This Court must give deference to the trial court’s factual findings, particularly where the credibility of witnesses is involved.” *Id.*; MCR 2.613(C). “Accordingly, we may not substitute our judgment for that of the trial court and make independent findings.” *Galloway, supra* at 638. “[W]e review de novo the trial court’s ultimate decision regarding a motion to suppress.” *Williams, supra* at 319.

“A consent to search permits a search and seizure without a warrant when the consent is unequivocal, specific, and freely and intelligently given.” *Galloway, supra* at 648. “The validity of a consent depends on the totality of the circumstances.” *Id.* Here, a sheriff’s deputy testified that defendant gave consent to search. Defendant testified that he refused the original request to search, and that he was silent when his passenger told him to give his consent. The trial court found the deputy to be more credible than defendant, and denied defendant’s motion to suppress on the ground that defendant consented to the search. Giving due deference to the trial court’s factual findings regarding the credibility of the witnesses, we find that the trial court did not

clearly err in its determination that defendant consented to the search. Accordingly, the trial court properly denied defendant's motion to suppress on that basis.

Defendant next argues that he was denied the effective assistance of counsel. However, because defendant cites no authority and fails to provide any factual support for his claim, we deem this issue abandoned. *People v Green*, 260 Mich App 392, 415; 677 NW2d 363 (2004).

We affirm.

/s/ Richard A. Bandstra  
/s/ E. Thomas Fitzgerald  
/s/ Patrick M. Meter